



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF THE
REGIONAL
ADMINISTRATOR

Mailing Address

Re: Notification of EPA's Clean Water Act 404(c) Proposed Determination, Engagement Opportunities, and Public Hearings

Dear ANCSA Executive:

Pursuant to Section 404(c) of the Clean Water Act (CWA) and 40 Code of Federal Regulations (CFR) Part 231, the United States Environmental Protection Agency (EPA) Region 10 hereby provides notice of its Proposed Determination to restrict the use of certain waters in the South Fork Koktuli River, North Fork Koktuli River, and Upper Talarik Creek watersheds in Southwest Alaska as disposal sites for dredged or fill material associated with mining the Pebble deposit, a copper-, gold-, and molybdenum-bearing ore body. In addition, EPA Region 10 is offering engagement opportunities with Alaska Native Claims Settlement Act (ANCSA) Regional and Village Corporations in Bristol Bay, Alaska on this Proposed Determination.

EPA Region 10 is taking this step because of the high ecological and economic value of the Bristol Bay watershed and the assessed unacceptable environmental effects that would result from such mining. This Proposed Determination relies on clear EPA authorities under the CWA and is based on peer-reviewed scientific and technical information. Its scope is geographically narrow and does not affect other deposits or mine claim holders outside of those affiliated with the Pebble deposit. Additional information about the Proposed Determination may be found in the enclosed Fact Sheet and you may obtain a copy of the Proposed Determination at www.epa.gov/bristolbay.

In accordance with 40 CFR Part 231, EPA Region 10 will be holding a series of public hearings on this Section 404(c) Proposed Determination. The purpose of these hearings is to obtain public testimony and comment on EPA Region 10's Proposed Determination. Information about the dates, times, and locations of these hearings may be found in the enclosed fact sheet. Additional details and any changes to the schedule are also available at www.epa.gov/bristolbay.

In addition to the public hearings and pursuant to Public Law 108-199, 118 Stat. 452, as amended by Public Law 108-447, 118 Stat. 3267, EPA is required to consult with ANCSA Corporations on the same basis as Indian tribes, under Executive Order 13175. Accordingly, EPA Region 10 provided multiple engagement opportunities for ANCSA Regional and Village Corporations with lands in the Bristol Bay watershed throughout development of the Bristol Bay Watershed Assessment.

EPA Region 10 plans to provide similar opportunities for ANCSA Corporations and invites you and your designated ANCSA representative(s) to participate in this process. During the week of August 11, 2014, EPA Region 10 will provide a number of in-person opportunities for EPA Region 10 leadership and designated officials to meet with designated ANCSA officials in the following communities: Anchorage, Dillingham, Newhalen-Iliamna, New Stuyahok, Igiugig, Kokhanok, and Nondalton.

Due to scheduling constraints, the ANCSA meetings will likely be held in a group setting, so it is important to receive information from interested ANCSA corporations as soon as possible. Please respond no later than **August 1, 2014** to ensure adequate time for planning of these meetings. Requests for one-on-one meetings will be considered as time and resources allow. Additional meetings would likely occur via telephone or at one of EPA Region 10's offices in Anchorage, Alaska or Seattle, Washington. Please contact Tami Fordham, information provided below, to plan these events.

EPA Region 10's anticipated timeline for the ANCSA engagement is expected to extend from July 18, 2014, to September 19, 2014. There will be an informational call regarding the ANCSA engagement process on July 18, 2014, at 2:30pm Alaska time. If you are unable to attend this informational call, another opportunity will be provided for Bristol Bay ANCSA Corporations on Wednesday, July 30, 2014, at 2:30pm Alaska time. In addition to general information sharing, an overview of the Proposed Determination will be provided. The teleconference line for both of these calls is [Nonresponsive Conference Number] code [Nonresponsive Conference Code]. Additional details are included in the enclosed ANCSA Engagement Plan.

The official EPA contact person for this ANCSA engagement process is Tami Fordham, Tribal Liaison to the Bristol Bay Project. She can be reached at (907) 271-1484 or fordham.tami@epa.gov. If you have any questions about the Proposed Determination or the public hearings, please contact me or have your staff contact Rick Parkin, EPA Region 10's management lead for the Bristol Bay Project, at (206) 553-8574.

I look forward to hearing from you on this important matter.

Sincerely,

Dennis J. McLerran
Regional Administrator

cc:

Enclosures:

EPA R10 ANCSA Engagement Plan
EPA Region 10 ANCSA Engagement Questionnaire
Bristol Bay 404(c) Proposed Determination Fact Sheet

ANCSA Engagement Opportunities for the Bristol Bay Project

U.S. Environmental Protection Agency Region 10's Proposed Determination To Prohibit, Restrict, or Deny the Specification, or the Use for Specification (Including Withdrawal of Specification), of an Area as a Disposal Site Pursuant to Section 404(c) of the Clean Water Act and Public Hearings on the Proposed Determination; Pebble Deposit Area, Southwest Alaska

Date	Event	Contact Information
July 18, 2014 2:30PM Alaska Time	Information Exchange Meeting <i>(for ANCSA Village and Regional Corporations)</i> Informational teleconference call – 404(c) Process Overview, ANCSA meeting planning, public comment period and public meeting schedule.	Phone: Nonresponsive Conference Number Code: Nonresponsive Conference Code
July 30, 2014 2:30PM Alaska Time	Information Exchange Meeting <i>(for ANCSA Village and Regional Corporations)</i> <u>Webinar –Proposed Determination – Overview</u> Information from July 18, 2014 teleconference call may be repeated for those unable to attend the first information exchange meeting. This webinar will provide an overview of the proposed determination.	Phone: Nonresponsive Conference Number Code: Nonresponsive Conference Code Adobe: https://epa.connectsolutions.com/bbinfo/
August 11-15, 2014	Leadership Meetings – we invite your ANCSA Corporation to attend one of the following meetings: Anchorage, Dillingham, Iliamna-Newhalen, New Stuyahok, Igiugig, Kokhanok, or Nondalton.	Contact Tami Fordham for scheduling information at fordham.tami@epa.gov or (907) 271-1484

EPA Region 10 ANCSA Engagement Questionnaire

ANCSA Corporation Name: _____

Project Name: Bristol Bay Project: U.S. Environmental Protection Agency Region 10's Proposed Determination To Prohibit, Restrict, or Deny the Specification, or the Use for Specification (Including Withdrawal of Specification), of an Area as a Disposal Site Pursuant to Section 404(c) of the Clean Water Act and Public Hearings on the Proposed Determination; Pebble Deposit Area, Southwest Alaska

Please check the appropriate response(s) describing the level of involvement your ANCSA Corporation would like regarding this Proposed Determination.

☐ We request to participate in the following meeting location:

- Anchorage - New Stuyahok
- Dillingham - Igiugig
- Iliamna-Newhalen - Kokhanok
- Nondalton

☐ We want to continue to receive project information by mail and participate in the public process.

☐ We have no interests associated with the proposed determination by EPA Region 10 and decline to engage at this time.

The following ANCSA official has been designated by the Corporation to serve as the point of contact for this process:

Name and Title: _____

E-mail: _____

Phone: _____ Fax: _____

Signed by President/CEO (or Chairman):

_____ Date: _____

Name/Title: _____

You may also scan and e-mail or fax this form to: Tami Fordham at fordham.tami@epa.gov or fax to (907) 271-3424.

If you have any questions regarding the Bristol Bay Project please contact Rick Parkin, email: parkin.richard@epa.gov or phone (206) 553-8574.

Distribution List:

Alaska Peninsula Corporation
Aleknagik Natives Limited
Bay View Incorporated
Becharof Corporation
Bristol Bay Native Corporation
Chignik Lagoon Native Corporation
Chignik River Limited
Choggiung, Limited
Ekwok Natives Limited
Far West, Incorporated
Igiugig Native Corporation
Iliamna Natives Limited
Koliganek Natives Limited
Levelock Natives Limited
Manokotak Natives Limited
Oceanside Native Corp.
Olsonville, Incorporated
Paug-Vik Incorporated, Limited
Pedro Bay Native Corporation
Pilot Point Native Corporation
Saguyak, Incorporated
Stuyahok Limited
Tanalian Incorporated
Togiak Natives Corporation
Twin Hills Native Corporation